

FILED 07 JUL '23 10:24 USDC-ORE

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

Eugene DIVISIONJAMES ERVIN BROWN JR.

(Enter full name of plaintiff)

Plaintiff,

v.

Civil Case No. 6:23-CV-00997-AR
(to be assigned by Clerk's Office)COMPLAINT FOR VIOLATION OF CIVIL
RIGHTS (PRISONER COMPLAINT)Wellpath
Health Service Administrator (name unknown)
Nurse (A) (name unknown)Doctor GabrielCliff Harold Lane County SheriffCaptain Clint RileyVarious Sheriff's officers (names unknown)Lane County Adult Corrections

(Enter full name of ALL defendant(s))

Defendant(s).

Jury Trial Demanded

☒ Yes☐ No

I. PARTIES

List your name, address, and telephone number below, and the same information for each defendant. Make sure that the defendant(s) listed below are identical to those contained in the caption of the complaint. Attach additional sheets of paper if necessary.

Plaintiff

Name: JAMES ERVIN BROWN JR.Street Address: 101 W. 5th AveCity, State & Zip Code: Eugene OR 97401Telephone No.: N/A

- Defendant No. 1** Name: Wellpath & Health Service Administrator & nurse
 Street Address: 101 W. 5th Ave *(Name unknown)*
 City, State & Zip Code: Eugene OR 97401
 Telephone No.: ?
- Defendant No. 2** Name: Doctor Gabriel
 Street Address: 101 W. 5th Ave
 City, State & Zip Code: Eugene OR 97401
 Telephone No.: ?
- Defendant No. 3** Name: Various Sheriffs (Names unknown) 3
 Street Address: 101 W. 5th Ave
 City, State & Zip Code: Eugene OR 97401
 Telephone No.: ?
- Defendant No. 4** Name: Clint Riley & Cliff Harold
 Street Address: 101 W. 5th Ave
 City, State & Zip Code: Eugene OR 97401
 Telephone No.: ?

II. BASIS FOR JURISDICTION

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. You are bringing suit against (check all that apply):

- ☐ Federal officials (a *Bivens* claim)
- ☒ State or local officials (a § 1983 claim)

B. What federal constitutional, statutory, or treaty right(s) is/are at issue?

4th, 5th, 8th, 14th amendments, Dr. Patient privacy,
medical privacy

III. STATEMENT OF CLAIMS

Claim I

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

On or about 5-18-23 Wellpath through its representatives
the HSA, Dr. Gabriel, and nurse (name unknown) with prior
knowledge of the facts, committed medical negligence
and were deliberately indifferent by removing Mr. Brown
from life altering medications "cold turkey" against
manufacturers warnings stating that to do so could result in
serious harm and or death, based on Mr. Brown's confinement
which resulted in acute opioid withdrawals causing extreme pain
nine days suicide watch, 7 days without the ability to hold food
chronic pain and insomnia that continues to this day with no
treatments.

Claim II

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

On 5-18-23 Wellpath through its representatives nurse (
name unknown) & others violated Mr. Brown's right to

not self incriminate, his right against illegal search and seizures, and medical privacy by compelling ^aurine sample from Mr. Brown using a program contract at Lane County Sheriff's request and then taking that information to the sheriffs knowing that the sheriffs did not have a legal right to said information without a warrant.

Claim III

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

The Lane County Sheriff's in furtherance of an investigation asked Wellpoint to UA MAT med participants at the jail because they had a medical contract to provide samples knowing they could not request UA's from inmates without a court order due to 4th & 5th amendment protections. This circumvented inmates rights and resulted in inmates Mr. Brown specifically being taken off meds that resulted in serious harm.

(If you have additional claims, describe them on another piece of paper, using the same outline.)

IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES

I have filed for administrative relief as to all claims in Section III and have concluded all administrative appeals available to me.

☒ Yes

☐ No

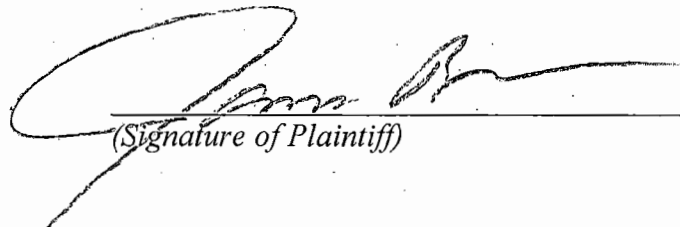
V. RELIEF

State briefly exactly what you want the court to do for you and the amount, if any, of monetary compensation you are seeking. Make no legal arguments. Cite no cases or statutes.

\$1,000,000.00 (five million Dollars) personal Damages
punitive Damages to be determined by the jury
re-issued life altering medications
order training on the rights of detainees on medical issues.
order the administering of MAT meds as soon as people are admitted.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 4th day of July, 2023


(Signature of Plaintiff)

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The Lane County Sheriffs office, The Lane County Adult Corrections, Various officers names unknown, Wellpath The Health Services Administrator, Dr. Gabriel, and Nurse (name unknown) conspired to violate Mr. Brown's constitutional rights against cruel and unusual punishment, equal protection, medical privacy, Dr. Patient Confidentiality, unlawful and warrantless searches, and his right to not self incriminate.

On or about 5-18-2023 and the days leading up to it the Lane County Sheriffs began to investigate introduction of contraband into V dorm. After shaking down V dorm the sheriffs office and Lane County Adult Corrections staff conspired with Wellpath to initiate medical requested urine samples through MAT med participants circumventing inmates rights. Because the Sheriffs department did not have a court order nor a warrant inmates are free to exercise their 4th & 5th amendment protections. However, inmates participating in medically assisted treatment are required to provide urine samples to medical as a requirement of the program. Knowing this jail staff and Wellpath chose to violate inmates rights when they compelled urine samples under duress of losing life altering medications to further the Sheriffs criminal inquiry. Medical upon receipt of these results forwarded said results to jail staff.

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When Nurse (name unknown) came to the south annex to deliver inmates medications she started this day by reading from a contract stating that inmates must provide urine samples upon request or be subject to removal from their medications. She then asked "now who wants to refuse their UA". Note nurse (name unknown) read this in a room with multiple sheriffs deputies. Upon completion of this action instead of giving inmates cups to take urine samples she gave us opiate medications that enter the blood stream in 4 to 15 minutes. Mr. Brown after injecting his meds as he waited for it to absorb inquired if the UA's were to test for opiate levels and nurse (name unknown) stated yes and other drugs. The question here is why would staff ask inmates to inject a drug to test for prior to testing, unless they were only interested in "other drugs". Nurse (name unknown) stated that these were random and all MAT program participants were taking UA's. (This can all be verified by video and audio of the south annex on the night in question. Mr. Brown sent notice via kyle to admin asking to preserve all evidence related to the investigation as far as audio and video is concerned.) Upon completion of the ingestion waiting period approx 7-10 minutes nurse (name unknown) removed unsealed cups from a medicine bag and asked inmates to enter their dorm and provide samples.

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These bathrooms are covered in feces, urine, and chemicals and one bathroom has no place to set a lid that is the one Mr. Brown used. Mr. Brown provide a sample and returned it Inmate Jones and Green did also. Nurse a then returned to medical to perform a dip test. Then a strike team was sent in to shut down U dorm. No other inmates were tested for drugs via urine sample. However, Inmate Jones after failing to test positive for meth was forced to take a second UA. This would lead one to infer that medical wasn't testing for opiates only "other drugs". Furthermore, they would have had to get the information of suspected drug use from institutional staff because medical does not have access to security replays or investigation clearance. Also, Mr. Brown and Green were not allowed to give two samples because their tests came up positive for meth. Nurse (name unknown) found and confirmed her actual goal and proceeded to give that information to staff/the police officers. This information eventually resulted in a criminal questioning by Sheriff's detectives.

After the results were found Mr. Brown and Green were taken to disciplinary housing. At no time did staff follow a chain of evidence nor did he send UA's in for lab confirmation,

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Mr. Brown was also immediately removed from his life altering medications c) punishment for Allegations of using meth. No MAT participant in the community is subject to "cold turkey" removal of MAT meds for testing positive for meth. Actually, people who are actively using illicit drugs are weened on to subutex in the community. Wellpaths Health Service administrator acknowledged this and stated "to outside MAT participants meth is easily available, in jail it is not". Wellpath did not ween Mr. Brown off subutex even though manufactures warnings state failing to do so could result in serious injury and/or death. Wellpath did not care and watched as Mr. Brown suffered acute opioid withdrawals resulting in 9 days suicide watch, 7 days not able to eat, extreme pain. Chronic pain over a month later, insomnia that makes him cry almost every night. He still suffers to this day. Note the health service administrator response meets the 1st prong of Gordon. Mr. Brown's continued suffering meets the second.

Wellpaths and the sheriffs office continually argue a contract however a contract may not impede ones civil rights. Also, Mr. Brown met his contract by providing a sample. If memory serves, Mr. Brown doesn't recall a stipulation that MAT need participants are removed for positive UA's?!

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LANE COUNTY SHERIFF'S OFFICE
CORRECTIONS DIVISION

ADULT IN CUSTODY (AIC) GRIEVANCE FORM

(If you need additional space to write, please attach a separate sheet.)

3A01

GRIEVANCE CONTROL NUMBER 2023-1104

AIC NAME Bravo James AIC# 1048983 DATE 5-22-23 HOUSING 1002

DECISION/ACTION THAT I AM GRIEVING: See Attached Filing against nurse (name redacted), medical leave, LCSD
4 new signed sheets Attached (and more)

I TRIED TO SOLVE THIS GRIEVANCE BY: explaining all parts of hearing

THE RESOLUTION I AM SEEKING IS: See Attached

AIC SIGNATURE: [Signature] DATE 5/29/23

RESPONSE FROM THE EMPLOYEE BEING GRIEVED: You signed a contract that said
that I would be continuously doing as long as time asked, that requiring anyone who
thrusts back on a person could impact on that person's position within of LEAC,
that I was or I was a beneficiary in a termination of my position, and
finally that choosing the regulation can cause operate with the signature. Your
letter was not for me.

EMPLOYEE'S SIGNATURE _____ DATE 10-8-73

AIC: I HAVE REVIEWED THE EMPLOYEE'S RESPONSE AND:

(INITIAL ONE OF THE FOLLOWING)

 I ACCEPT THE EMPLOYEE'S RESPONSE 1 I REQUEST SUPERVISOR REVIEW DATE 6/6/75

HEARING HELD: YES ☐ NO ☒ DATE 11/1/2017 TIME 10:00

YOUR GRIEVANCE HAS BEEN REVIEWED AND I FIND: Mr. Brown the response above.

unconjugated. TD added to it modified. VAs do not have a "chain of"

Druidence" and there is no reason to suspect that the bathroom floor

or anything else would contaminate the inside of your cap. Corridor.

Staff were informed only because doors inside the 'hall' are a sight for the

Safety + security concern to include MAT participants' info is easily available

In fact, it is not and you know the risks to your participation.

SUPERVISOR SIGNATURE: _____ DATE 10-6-23

AIC: I HAVE REVIEWED THE SUPERVISOR'S RESPONSE AND:

(INITIAL ONE OF THE FOLLOWING)

 I ACCEPT THE SUPERVISOR'S RESPONSE I REQUEST LIEUTENANT REVIEW DATE 6/20/23

LIEUTENANT REVIEW: You tested positive for meth 2 1/2 months.

after he had left the US and admitted to using drugs.

Lin. M.D. Hodgson, (dated 10/12/11 AT as receipt)

The above relations are reasonable.

LIEUTENANT SIGNATURE *Lt. H. H. Jones* DATE *6/22/73*

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I am filing this grievance for removing me from the MAT program and subjecting me to considerable amounts of pain & suffering in violation of my 5th Amendment right.

Rights Violated

5th Amendment

14th Amendment

6th Amendment

8th Amendment

On or about 5/18/23 nurse (NAME unknown) came to the South Annex U dorm. She asked three detainees to come out for MAT meds. Upon arrival I noticed her one officer and two more officers standing near by. She suddenly pulled out a paper and said "I need to read this to you all to remind you that you are required to take a UA when asked or be subject to removal from the MAT Program". She then read this contract in front of everyone out loud. After she said "now who wants to refuse their UA" exact verbiage may be obtained from LCACF security footage of the event.

She then provided all three inmates with their MAT meds specifically Subutex. To ingest.

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2014

next inmates were given cups to take to the dorm and provide urine samples. Nurse (Name Unknown) did not observe the samples being provided. (note* All cups were not in sealed bags nor in a sanitary location. They were located in a med bag full of pills and medications.)

Nurse (Name unknown) did not provide a sanitized space to provide samples. A jail dorm of 24 people's bathroom is full of urine, feces, and a plethora of chemicals and other bodily fluids. There is also no place to set a cup or lid in the bathroom (which I used) but the floor or the toilet (emphasis added) She then took the cups away. At no time did nurse(A)* ensure a chain of evidence. At no time did she think contamination or false positive. Nurse(A) knew what she was there for before hand. Evidence of this is proven by her second sample taken from AIC Jones when he passed the first test. No other AIC's were provided this opportunity. The samples were also not sent to a lab to ensure accuracy. Nurse A then took the results to institution staff to give them the results because the institution know full well that UA's can only be requested by staff with a court order. This violates medical privacy at its finest.

See scts' decision from MR hearing as evidence. he states "Brown's arguments about evidence procedure, while likely accurate for a probation sanction or criminal prosecution, holds no weight in this administrative disciplinary process."

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I was then taken to another section of the jail and immediately placed on disciplinary housing. Medical took me off Subutex without weaning me off so I would suffer the full effects of opiate withdrawals minus Tylenol. I am still suffering with no feeling in my right thumb, pointer, and middle fingers. Modified custody to med. 3. Loss of job. 7 days/du. lack of energy and desire

Nurse (name unknown) Also referred to as nurse (A) also claimed these UA's to be random when in fact they were not. She also claimed all MAT med participants were taking them however the third floor did not. A "Strike team" was waiting as well with staff on the ready to shake down our dorm upon results. See staff overtime for that night and justification. This was all planned. Finally Nurse (A) and medical made the decision to remove me from Subutex solely on the fact that I'm in custody. No people participating in MAT outside of jail get taken off for testing positive for meth. For those reasons I seek \$100,000 in physical damages immediately put back on Subutex. Full training of medical staff on AIC's rights detainee vs sentenced. Or immediate release from custody not to be re-taken as soon as I step outside. See case precedent.

State v Moore Oct 31 2011 Oregon Court of Appeals Oregon Const Art 1 §9

Gordon v Commonwealth of Oregon

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Violations

Coerced UA sample see State v Moore Oct 31 2011

Equal protection right to presumption of innocence.

medical privacy violations

medical decision based solely on being incarcerated

cruel & unusual.

Med. Conditions

PTSD diagnosed

Panic disorder diagnosed

anxiety disorder diagnosed

Opioid Addiction diagnosed

* plaintiff reserves the right to seek punitive damages at trial